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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/590,758   | 06/08/2000  | Gilbert Hu           | 017789-001000US     | 9887             |
| 7590   | 06/04/2004  |                      | EXAMINER            |                  |
| Stephen Y. Pang<br>TOWNSEND and TOWNSEND and CREW LLP<br>8th Floor<br>Two Embarcadero Center<br>San Francisco, CA 94111-3834 |             |                      | BUI, BING Q         |                  |
|  |             |                      | ART UNIT            | PAPER NUMBER     |
|  |             |                      | 2642                | 15               |
| DATE MAILED: 06/04/2004  |             |                      |                     |                  |

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                          |                               |
|------------------------------|--------------------------|-------------------------------|
| <b>Office Action Summary</b> | <b>Application No.</b>   | <b>Candidate(s)</b>           |
|                              | 09/590,758<br>Bing Q Bui | HU ET AL.<br>Art Unit<br>2642 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 04 May 2004.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-20 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                     | Paper No(s)/Mail Date. _____ .  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____ .                                  |

## DETAILED ACTION

1. Claims 1-20 are pending in the application for examination.

### ***Claim Rejections - 35 USC § 103***

2. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bergsman et al (U.S. Patent No. 5,146,487) in view of Kugell et al (US Pat No. 5,751,794), herein after referred as Bergsman and Kugell.

**Regarding claim 1**, with respect to Figures 1-2, Bergsman teaches a method for operating a telephone server (i.e., an audio text or interactive voice mail system, see col. 1, Ins 6-21) comprises:

receiving an incoming call from a caller (see Fig. 1 and col. 1, Ins 6-21 and Ins 36-57);

coupling the incoming call to a voice mail server (i.e., an audio text or interactive voice mail system) (see Fig. 1 and col. 1, Ins 6-21 and Ins 36-57);

coupling the incoming call to a voice mail mailbox with the voice mail server (see Fig. 1 and col. 1, Ins 6-21 and Ins 36-57);

receiving a request from the caller to initiate an outbound call (see col. 3, Ins 45-56); and

saving a state of the voice mail server in response to the request (see col. 4, Ins 1-7).

receiving a telephone number from the caller (see col. 3, Ins 45-56);

processing the telephone number to make the outbound call (see col. 3, In 46-col. 4, In 7).

Bergsman differs from claimed invention in which it does not explicitly provide the steps of making an outbound call to the receiver in real-time and restoring

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the state of the voice mail server after the outbound call is terminated . However, Kugell teaches the steps of making an outbound call to the receiver in real-time and restoring the state of the voice mail server after the outbound call is terminated (see Figs 1-3 and col. 4, Ins 22 – 49). Therefore, integrating Kugell's teachings into communication system of Bergsman would have been useful with respect to important or urgent subject matter that needs to be quickly implemented.

**Regarding claim 2,** Bergsman further teaches the step of receiving the request from the caller to initiate the outbound call comprises:

detecting a series of DTMF tones from the caller (see col. 3, Ins 45-56);  
determining the request in response to the series of DTMF tones (see col. 3, In 45-col. 4, In 7).

**Regarding claim 3,** Bergsman further teaches the step of receiving the telephone number from the caller comprises detecting a series of DTMF tones from the caller (see col. 3, Ins 45-56).

**Regarding claim 4,** Bergsman further teaches the step of processing the telephone number comprises dialing the series of DTMF tones to make the outbound call (see col. 3, Ins 45-56).

**Regarding claim 5,** the combined system of Bergsman and Kugell differs from claimed invention in which it does not explicitly provide the step of from the caller comprises detecting a spoken phrase from the caller ; and wherein processing the telephone number comprises determining a telephone number associated with the spoken phrase; and dialing the telephone number to make the outbound call. However, Bergsman suggests that his system has capability of prompting the caller for receiving spoken phrases from the caller such as outbound call recipient's name (see col. 1, Ins

65-68) or caller's personal message (see col. 3, Ins 66-68). Therefore, having Bergsman's suggestion, it would have been obvious to one of ordinary skill in the art to add the step of receiving the outbound call recipient's telephone number spoken by the caller and processing the outbound call in accordance with provided spoken telephone number in order to provide the caller a faster and easier way of providing data to the message delivery system.

**As to claim 6,** it is rejected for the same reasons set forth to rejecting claim 1.

**Regarding claim 7,** Bergsman further teaches the step of providing a dial tone to the caller in response to the request (see col. 3, Ins 45-56).

**As to claims 8 - 13,** they are rejected for the same reasons set forth to rejecting claims 1-6 above, since claims 8-13 are merely a system for implementing the method defined in the method claims 1-6, respectively.

**As to claims 14 - 15,** they are rejected for the same reasons set forth to rejecting claims 1-2 above, since claims 14-15 are merely a system for implementing the method defined in the method claims 1-2, respectively.

**As to claim 16,** it is rejected for the same reasons set forth to rejecting claims 3-4 above, since claim 16 is merely a system for implementing the method defined in the method claims 3-4.

**As to claims 17 - 18,** they are rejected for the same reasons set forth to rejecting claims 5-6 above, since claims 17-18 are merely a system for implementing the method defined in the method claims 5-6, respectively.

**As to claims 19 - 20,** they are rejected for the same reasons set forth to rejecting claim 1 above, since claims 19-20 are merely a system for implementing the method defined in the method claim 1.

**Response to Arguments**

3. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bing Bui whose telephone number is (703) 308-5858. The examiner can normally be reached on Monday through Thursday from 7:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (703) 305-4731. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306 and for formal communications intended for entry (please label the response "EXPEDITED PROCEDURE") or for informal or draft communications not intended for entry (please label the response "PROPOSED" or "DRAFT").

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

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BING Q. BUI  
Primary Examiner